

# Notice of Allowability

Application No.

10/731,601

Examiner

Timothy L. Rude

Applicant(s)

BICKHAM ET AL.

Art Unit

2883

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 21 February 2006.
2. ☒ The allowed claim(s) is/are 1 and 3-28.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

tlr

## **DETAILED ACTION**

### ***Claims***

Claims 12 and 14 are amended. Claims 21-28 are added.

### ***Election/Restrictions***

Originally presented base claim 1 is in condition for allowance. All species readable thereon are rejoined.

### ***Allowable Subject Matter***

Claims 1 and 3-28 are allowed.

As to claims 1 and 21, relevant prior art of record, alone or in combination, did not disclose the optical waveguide fiber as claimed comprising an alpha less than 4, a dispersion at 1550 nm of between about 4 ps/nm/km and 8 ps/nm/km, and a dispersion slope of less than 0.025 ps/nm<sup>2</sup>/km at every wavelength between about 1525 nm and 1650 nm.

The closest reference is Mukasa USPAT 6,724,966 B2 provided by Applicant.

Mukasa discloses a number of embodiments of an optical waveguide fiber. The embodiments of Mukasa comprise a central core region surrounded by an outer cladding region and further comprise one or more of: a central core region having an

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alpha less than 4, the fiber having a dispersion at a wavelength of about 1550 nm of between about 4 ps/nm/km and about 8 ps/nm/km, and a dispersion slope of less than 0.025 pS/nm.sup.2/km.

However, Applicant's arguments on pages 9 and 10 of the reply filed 21 February 2006 are persuasive. Mukasa does not explicitly disclose the above combination of limitations in a single embodiment, and Mukasa does not provide a motivation to combine all the specific limitations.

References cited but not applied are relevant to the instant Application, but no reference was found with proper motivation to combine that would result in the specific combination of limitations as claimed.

As to claims 3-20, they are directly or indirectly dependent upon claim 1 with allowable subject matter above.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy L. Rude whose telephone number is (571) 272-2301. The examiner can normally be reached on Mon-Thurs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank G. Font can be reached on (571) 272-2415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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